



ashfords

# KCS Procurement Prospectus Guide June 2023

Ashfords LLP  
[ashfords.co.uk](http://ashfords.co.uk)



# Contents

4. Introduction
5. Our expertise | About us
6. Ashfords at a Glance
7. Social values
8. Administrative & Public Law | Non-Complex Finance & Investment
9. Contracts | Competition Law
10. Corporate Law | Data Protection & Information Law
11. Employment | Information Technology
12. Infrastructure | Intellectual Property
13. Planning | Partnerships
14. Pensions | Public Procurement
15. Property Real Estate & Construction | Energy, Natural Resources & Climate Change
16. Projects | Restructuring & Insolvency
17. Children & Vulnerable Adults | Food, Rural & Environmental Affairs
18. Franchise Law | Health, Healthcare & Social Care
19. Life Science | Telecommunications
20. Charities Law | Health & Safety Law
21. Licensing Law | Transport Law
22. Tax | Outsourcing/Insourcing
23. Media Law | Immigration
24. Public Inquest & Inquiries | Mental Health Law
25. Court of Protection | Education Law
26. Litigation & Dispute Resolution | Primary Care
27. Social Housing
28. Key contacts
29. Key contacts (cont)

## Introduction

“We are delighted to be appointed to the KCS Procurement Legal Services Framework. Our appointment further emphasizes the strength and depth of expertise we have to offer to the public sector.

We look forward to the opportunities that our appointment will bring and to working closely with the KCS Procurement members to help them deliver their goals over the coming months and years.”

Lucy Woods

Lead Partner and Head of Public Sector

KCS Procurement

Relationship Manager



## Our expertise

### Bringing everything together

We have been a key supplier to the public sector for more than 25 years, and every year we handle hundreds of instructions for our public sector clients.

Our understanding of the demands on you, means that we can bring together our experience, skills, knowledge, and people to understand your problems and deliver solutions quickly – and so save you money.

Ashfords meets these challenges head-on, and has an excellent track record of developing solutions for its clients in these demanding times. We are well aware of the political dimension of satisfying functions and the delivery of services and are experienced in operating in a public sector context.

### Meeting your needs

I am the lead Relationship Manager for the framework and have overall responsibility for the delivery of our services to you. However each instruction will be led by a specialist partner and a skilled project team. I am directly supported by Ruth Yates, who as the KCS Procurement account manager is responsible for managing all instructions made through the framework.

We have a strong team of 92 public sector specialist lawyers with access to our wider firm for additional capacity. In this prospectus you will find further details of the services we can deliver, along with examples of our experience and key contacts.

## About us

Ashfords is a full-service legal and regulatory provider covering over 20 practice areas for clients across the UK. The majority of our services are nationally recognised in legal directory rankings such as Legal 500 and Chambers and Partners.



**Lucy Woods**

Lead Partner

Relationship Manager

[l.woods@ashfords.co.uk](mailto:l.woods@ashfords.co.uk)

Mobile +44 (0)7595 413554

For bid/tender opportunities please contact:

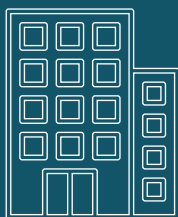
[tenders@ashfords.co.uk](mailto:tenders@ashfords.co.uk)

# Ashfords at a glance

Lawyers you can count on to deliver because we care as much as you do about getting the right result.

Figures relate to financial year 2021 - 2022

## Ashfords in numbers



5

Offices in the UK

500+  
People



working flexibly as part of our 'New Ways of Working' framework.



+70

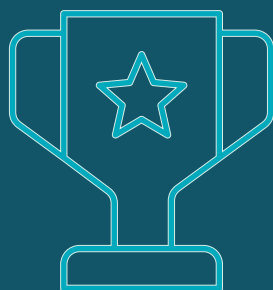
Countries

worldwide where we can support clients with their legal needs.

## Recognition

Ranked in

The Times Best Law Firms



2023

Real Estate, Restructuring & Insolvency and Corporate.

Ranked by

Experian MarketIQ

as one of the most active legal advisers by volume in the south west and in the top 20 for the UK.



Recognised by

World Trademark Review

as a leading UK trademark practice for the second year.

Recognised by Chambers

for our expertise in

21 practice areas with

9 band one lawyers and

48 lawyers individually recognised.

Legal 500

in 36 practice areas with nine top tier rankings, 33 lawyers individually ranked with 13 rising stars.



## Environmental & community impact



The Ashfords Foundation

a grant making charity established to bring together all of Ashfords' charitable giving.



335

volunteering hours recorded across a wide range of projects.



£66k+

raised so far by people across the firm for our charity of the year.

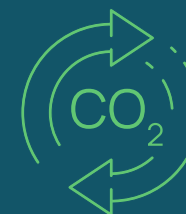
11 apprentices

to widen access to careers in the legal sector through our apprenticeship and solicitor apprenticeship schemes.



£6k

funding for the Marine Scholarship at the University of Plymouth – one of the leading marine courses in the UK.



271tCO2e

Offsetting our annual reportable emissions through a recognised UN scheme. 69% of our waste recycled and zero to landfill.

## Social values

Ashfords believes it has a role to play in its community, and we translate this into our Social Value practices through a localised and focused approach to social, economic, and environmental efforts.

### Diversity

Our Diversity Action Group is central to monitoring our diversity statistics and creating opportunities for people from underrepresented background to engage in a career in law.

We hired external consultants to provide a multi-year roadmap for further diversity and inclusion opportunities and have rolled out a range of initiatives including skills based hiring, coaching and training for those returning from maternity leave. We actively track and report our diversity statistics to monitor progress.

### The Environment

We have a dedicated Environment Committee that establishes and monitors environmental performance targets. Some of its current initiatives include: energy efficiency measures throughout our offices, zero waste to landfill, solar panels on our office, and carbon offsetting.

### Social Inclusion

We offer apprenticeships, as an alternative to the university route, for careers as a CILEx lawyer, Paralegal or other legal or business support practitioner. Our “Aspire” programme for Year 10 students and “Pathways to Law” for Year 12 students from local schools the opportunity to work in our Exeter office for one week.

This aims to provide students from all backgrounds with an insight into the legal professions. 61% percent of our Partners and 71% of our lawyers attended state school opposed to independent/fee paying school.

### Community Engagement

We have a range of initiatives that enable our staff to make a difference in our communities including:

- Digital Inclusion – Ashfords donates unused laptops to local schools to facilitate digital inclusion.
- Staff Fundraising – our staff proactively fundraise for various causes. Some of their recent fundraising activities include a charity quiz, raffles, plant sales and completing the 3 Peaks Challenge. We also host foodbank donation points in our offices.
- Staff Volunteering – our staff volunteer on community projects for example a monthly schedule of volunteering at a local foodbank.

## Administrative & Public Law

We advise on all aspects of administrative and public law that affect the functions and proceedings of public sector bodies including:

- corporate structures and delivery models;
- judicial reviews and statutory challenges;
- vires and constitutional issues;
- legal and procedural advice to Cabinets, committees and panels
- decision-making processes;
- complaints and disciplinary procedures regarding the conduct of officers and members; and
- providing support to monitoring officers.

### Spotlight experience

We provide legal services to London Borough of Wandsworth and the London Borough of Richmond upon Thames (with which London Borough of Wandsworth have been sharing services since October 2016). We are the main legal provider for criminal and civil litigation services, housing management services, employment, planning and highways and contracts and procurement.

## Non-Complex Finance & Investment

We advise on all aspects of finance matters including but not limited to:

- advising on general banking matters (domestic and overseas, including loan agreements, guarantees and security arrangements), trade finance and financial litigation
- asset finance;
- capital markets;
- acquisition finance;
- project finance;
- restructuring / insolvency; and
- loans / lending.

### Spotlight experience

Ashfords provided finance advice to a local authority owned housing delivery vehicle. We advised the Company on the circa £38 million loans to be provided to it by the London Borough, and the associated security documentation. Their loans had to be carefully structured in a State aid compliant manner given that the lender is a public sector entity.



## Contracts

We advise on all aspects of contracts and contract law, including but not limited to:

- advising on, drafting and negotiating agreements relating to commercial activities including supply of goods and services, outsourcing / contracting out of services, manufacturing, agency and distribution, concession contracts, shared service arrangements, joint ventures and grants;
- supporting relationships including advising on rights and obligations, changes, termination / exit and transition between suppliers and advising on commercial / contractual reorganisations and restructuring including novation, assignments and changes in ownership;
- advising on public infrastructure regulation such as UK/EU regulation relating to energy, water, transport and telecommunication industries necessary to support commercial transactions and/or arrangements; and
- advising on grant funding including UK replacement grant funding post-Exit Date; and advising on, drafting and negotiating grant documents.

### Spotlight experience

We are advising Herefordshire Council and Gloucestershire County Council on the procurement, contractual suite, negotiation and contract management of the Counties superfast broadband programme. Advising on all procurement, contracts and variations over a period of 13 years. Advising on vires, State aid and subsidy control and regulatory elements as well as contractual negotiations.

## Competition Law

We advise on:

- all aspects of subsidy control and legacy State aid;
- complex multi-funder projects and the application of procurement law;
- competition law;
- due diligence on supplier mergers with potential competition law implications; and
- competition considerations in responding to FOI requests, and the publication of supplier information.

### Spotlight experience

We were instructed by Council of the Isles of Scilly in relation to its organic thermal treatment and energy recovery project (the “OTTER Project”), which is a fundamental aspect of the Council’s “Smart Islands” programme with a capital cost of £1,930,000. We provided a State aid report to the Council to evaluate the three primary sources of funding for the OTTER Project being the Council’s Local Enterprise Partnership, the Council itself and South West Water.

## Corporate Law

We advise on all aspects of corporate law including but not limited to:

- UK company law;
- NHS mergers and acquisitions;
- joint ventures, including public private partnerships and other forms of collaboration with the independent sector;
- use of companies limited by shares/guarantee, limited liability partnerships and other types of legal entity;
- public sector investment/stakes in private companies;
- disposals of assets by the public sector to the private sector;
- structuring private sector investment in public sector assets through corporate vehicles;
- national Security and Investment Act 2021;
- corporate governance;
- directors' duties; and
- company secretarial services.

### Spotlight experience

Ashfords advised a local authority on its high profile potential purchase of the private sector shares in a waste collection company. The Ashfords team is advising on all aspects of the potential share purchase, including the share sale agreement, due diligence, potential pitfalls, asset transfer, pensions implications and consequences in respect of business continuity for the three services contracts.

## Data Protection & Information Law

We advise on all aspects of data protection and information law including but not limited to:

- the law surrounding the use and control of information by public and private sector bodies, including domestic and EU data protection legislation;
- international data transfers;
- data protection laws, data requests and complying with the principles of transparency; and
- Freedom of Information.

### Spotlight experience

Providing ongoing GDPR compliance advice to a major public utility following its demerger. This has included amending template data protection provisions, reviewing employee communications and updating privacy policies, as well as assisting with the procurement of GDPR-related services.

Representing a Council in successfully defending an appeal to the ICO for a Freedom of Information request for confidential planning documents.

## Employment

We advise a wide range of public sector clients on all aspects of employment law, including but not limited to:

- the defence of Employment Tribunal claims of all types;
- TUPE/COSOP issues arising on a range of outsourcing projects;
- re-organisations, re-structures and redundancy programmes;
- pay structures;
- changes to terms and conditions of employment;
- disputes and negotiations with Unions; and
- disciplinary and grievance procedures.

### Spotlight experience

Recent experience includes:

- We helped a Unitary Authority to manage the exit of a senior manager in the most cost-effective way, with minimal damage to its reputation.
- We have advised several London Boroughs on the successful commercial resolution of complex and sensitive Employment Tribunal claims, in which we saved costs and management time, protected the reputation of the Authorities and avoided setting precedents for future claims.
- We worked with a London Borough in an Equal Pay issue in a way which avoided claims being made and saved significant amounts of money.
- We have prepared pragmatic and reasonable precedent TUPE drafting to a Local Authority for use in all outsourcing projects.

## Information Technology

We advise on all aspects of information technology law including but not limited to:

- information technology and telecoms procurement and contracting;
- design, development, maintenance and support contracts;
- restructuring of contracts and/or services;
- exit and migration/transition; and
- hardware purchasing, software licensing, managed services, E-commerce, cloud based services, convergent technologies and the internet.

### Spotlight experience

Recent experience includes:

- Supporting a major public sector utility in the separation of software licences, and associated application and systems support, as part of its demerger.
- Advising Sensus UK Systems Limited on its successful joint venture bid with Arqiva for the then Department of Energy and Climate Change's nationwide Smart Meter Project.
- Advising the South West Grid for Learning Trust on its procurement of education cloud services for schools.

## Infrastructure

We advise on all aspects of infrastructure law including but not limited to:

- the structure and financing of infrastructure projects and deals including PFI, PPP and non-profit distributing models;
- asset disposals;
- refinancing and reorganisation; and
- advice on regulation.

### Spotlight experience

We advised a County Council on its Waste PPP project, which is the largest legacy waste PFI project.

We supported a Council in negotiating changes to the Project Agreement to plug the funding gap when DEFRA withdrew the PFI credits. Our advice and support helped ensure that the Project was delivered on acceptable terms and re-tendering was not required.

## Intellectual Property

We advise on all aspects of intellectual property law including but not limited to:

- contentious and non-contentious support and advice relating to patents, copyright, trademarks, trade secrets and rights in confidential information, database rights, design rights, and other forms of intellectual property; and
- assignment and licensing of rights and commercialisation and exploitation of intellectual property.

### Spotlight experience

We have assisted Brick by Brick (a property development company wholly owned by the London Borough of Croydon) with the registration of their trading name “COMMON GROUND ARCHITECTURE” as a UK trade mark. We conducted a pre-filing trade mark clearance search and assessed whether there were any third parties with earlier rights who could object to their registration and/or use of the mark. We then filed and managed a UK trade mark application through to registration.

## Planning

We advise on all aspects of partnership law, including but not limited to:

- planning strategy;
- development projects and schemes;
- applications for development, construction and change of use;
- compulsory purchase orders and s106 agreements; and
- planning/development inquiries and appeals;
- judicial reviews and statutory challenges relating to planning decisions; and
- advice on the Community Infrastructure Levy.

### Spotlight experience

Advising the London Borough of Brent in relation to Wembley Park which has 5,000 homes, has 20,000 sqm retail space, 85,000 sqm business space, car parks, and ancillary space. Providing the full range of planning law services to the London Borough of Wandsworth including negotiation of s106 agreements, defending judicial reviews and appeal inquiries, preparing and issuing enforcement notices, and advising on the prospects of the successful use of CPO powers. Undertaking all s106 agreements and highways agreements for Brick by Brick (Croydon) Limited.

## Partnerships

We advise on all aspects of planning law including but not limited to:

- planning strategy;
- development projects and schemes;
- applications for development, construction and change of use;
- compulsory purchase orders and s106 agreements; and
- planning/development inquiries and appeals;
- judicial reviews and statutory challenges relating to planning decisions; and
- advice on the Community Infrastructure Levy.

### Spotlight experience

We advised a County Council on its Waste PPP project, which is the largest legacy waste PFI project.

We supported the Council in negotiating changes to the Project Agreement to plug the funding gap when DEFRA withdrew the PFI credits. Our advice and support helped ensure that the Project was delivered on acceptable terms and re-tendering was not required.

## Pensions

We advise on a range of issues relating to the LGPS and NHS Pension Scheme, including:

- risk-sharing issues in procurement exercises, and related drafting;
- Admission Agreements and Pension Directions, and Bonds/ Indemnities
- exit deficit and Exit Credit issues within the LGPS; and
- the preparation of Admission Body policies on the exercise of discretions.

### Spotlight experience

Recent experience includes:

- Preparing all Admission Agreements and Bonds for two London Boroughs and associated Schools; and
- Drafting and negotiating LGPS risk-sharing provisions for a Local Authority in various outsourcing exercises, with a view to ensuring a fair risk-sharing profile with the appointed service providers, to help retain a high number of bidders and secure overall best value of the Local Authority.

## Public Procurement

We advise on all aspects of public procurement law including but not limited to:

- the application of domestic and EU public procurement law; and
- end-to-end support on procurement exercises, including drafting specifications, evaluation criteria, tender documentation and associated procurement and contractual documentation.

### Spotlight experience

We advised CORMAC Solutions Limited (a Teckal company wholly owned by Cornwall Council) in its Highways Joint Venture with Nottinghamshire County Council.

We designed and helped implement a service delivery model for the JV which complied with the procurement rules. This involved advising on the 'Teckal' and 'Hamburg' exemptions including analysis of the scope of the 'reverse-Teckal' derogations. We also advised on general procurement, local government vires and governance, property, commercial and tax matters.

## Property Real Estate & Construction

We advise on all aspects of real estate and real estate finance, including but not limited to:

- crown, commercial and residential real estate including investment;
- site/property redevelopment;
- acquisition and disposal (including relevant tax advice);
- compulsory purchase;
- freehold, leasehold and licences;
- landlord and tenant matters; and
- real estate litigation.

All aspects of construction law including but not limited to:

- construction contracts (standard forms such as JCT, NEC, IChemE and bespoke forms);
- building and engineering contracts, Repairs and maintenance contracts, Housing and regeneration contracts;
- consultants' appointments;
- development agreements;
- Collateral warranties and letters of reliance;
- Performance security: bonds and parent company guarantees; and
- Construction disputes including proceeding by way of the Pre-Action Protocol for Construction and Engineering Disputes, adjudication, arbitration, litigation and mediation.

### Spotlight experience

Advising a JV formed by a London Borough and an RP on a six year £130m regeneration scheme that developed 700 affordable homes, other mixed tenure houses, and private sale homes.

## Energy, Natural Resources & Climate Change

We have a strong track record advising public sector clients on all matters relating to renewable energy, energy from waste, natural resources, energy infrastructure and innovation projects, including but not limited to:

- The structuring, financing, construction, development, regulation and operation of these projects;
- Permitting, regulatory and environmental issues;
- Solar, wind, hydro, battery, EfW, AD and biomass schemes;
- District heating;
- Smart meter technology;
- Energy efficiency measures Inc. EaaS projects;
- EV and alternative fuel infrastructure;
- Waste collection, management and disposal contract procurement;
- PFI/PPP, JVs and partnership projects; and
- Structural variations to finance documents, project agreements and sub-contracts.

### Spotlight experience

Acting for a local authority on its solar project, under which the Council will design, install, own and operate a solar facility located on land owned by it, to supply electricity by private wire to the local hospital under an Energy Savings Agreement. Advising on the terms of the Energy Savings Agreement, vires and structuring, EPC contract and procurement

## Projects

We advise on projects including, but not limited to:

- the structuring, financing, construction, development, regulation and operation of these projects;
- permitting, regulatory and environmental issues;
- solar, wind, hydro, battery, EfW, AD and biomass schemes;
- district heating;
- smart meter technology;
- energy efficiency measures Inc. EaaS projects;
- EV and alternative fuel infrastructure;
- waste collection, management and disposal contract procurement;
- PFI/PPP, JVs and partnership projects; and
- structural variations to finance documents, project agreements and sub-contracts.

### Spotlight experience

Advised North Yorkshire County Council on the North Yorkshire Waste PPP, which is the largest legacy waste PFI project. We supported North Yorkshire in negotiating with a private sector partner to design, build, finance and operate a waste treatment facility involving energy from waste, mechanical treatment, anaerobic digestion and incinerator bottom ash. Total third party funding required for the Project was approximately £350 million.

## Restructuring & Insolvency

We advise on restructuring and insolvency law including, but not limited to:

- supplier, partner and supply-chain insolvencies and restructuring; and
- consequences (and mitigation) of insolvency of suppliers.

### Spotlight experience

Advising a Registered Provider following the insolvency of its contractor on a complex development scheme. This included advice on contract and performance issues and advising on novation risk, contracting and bond issues.

Advising a local authority as creditor and funder of a regeneration project when the developer entered administration prior to completion. Including advice on: obtaining possession of the property; status of payments made to the insolvent company, consideration of trust claims and options for recovery; liabilities owed to sub-contractors.



## Children & Vulnerable Adults

We advise on Law in relation to children and vulnerable adults, including but not limited to:

- adoption, social work, child-related and child protection issues;
- rights and obligations of public bodies, issues in relation to mental capacity, end of life care and funding, ageing population and costs of care issues; and
- commissioning of related services.

### Spotlight experience

Acting for an incapacitated individual on the instruction of her independent mental capacity advocate in Court of Protection proceedings seeking to address various safeguarding concerns raised while the client was in the care of her family.

## Food, Rural & Environmental Affairs

We advise on all aspects including, but not limited to:

- water, air and land use, including emissions and pollution;
- water services and quality;
- flooding;
- waste and recycling;
- fisheries and marine;
- food and farming; and
- animal and plant health and animal welfare; and wildlife.

### Spotlight experience

Advising on the marine planning and licensing issues for a £500m coastal regeneration project. Prosecutions on behalf of harbour authorities for environmental breaches.

Successfully prosecuting an individual on behalf of a Consortium of Somerset Drainage Boards for tampering with sluice gates on the Somerset levels, and nearly flooding a village. Prosecutions on behalf of local authorities against businesses for dumping regulated waste.

## Franchise Law

We advise on all aspects of franchise law, including but not limited to:

- the design and establishment of franchise arrangements; and
- advice on contentious and non-contentious aspects of franchise agreements.

### Spotlight experience

Advising Subway on its property transactions with franchisees, including commercial lease transactions, and the sale and purchase of existing Subway stores. We have advised Subway for 18 years and handled over 1,000 leases and over 1,250 store transfers.

Enforcement of restrictive covenants against rogue franchisees through injunction proceedings.

Advising a Franchisee in the Adult Social Care Sector on a dispute with a Franchisor on the termination of the Franchise Agreement. The matter was the subject of an interim injunction in the High Court and involved the local authority client of the franchisee attending Court in a representative capacity in the interests of the services users impacted by the interim injunction.

## Health, Healthcare & Social Care

We advise on all aspects of health, healthcare and social care law including but not limited to:

- policy;
- legislation; and
- commissioning and all transactional, litigious and regulatory issues relating to Central Government and the NHS and to the regulation of health, mental health and social care services or settings.

### Spotlight experience

Acting for the Trust in connection with the lease of a site including obsolete hospital buildings for conversion and redevelopment as a studio school offering 14 to 19 education specialising in a range of healthcare skills appropriate and relevant to the Trust.

Advising on the sale of Research Instruments, specialising in cutting-edge technology, consumables and hardware in the field of in-vitro fertilisation and in micromanipulation technology, to Cooper Surgical for \$51m.

## Life Science

We advise on all aspects of Life Sciences including but not limited to:

- protection of intellectual property;
- licensing, acquisition and disposal of intellectual property;
- joint ventures, including public private partnerships and other forms of collaboration with the independent sector;
- use of companies limited by shares/guarantee, limited liability partnerships and other types of legal entity;
- regulatory issues relating to medical devices;
- data protection compliance;
- national Security and Investment Act 2021; and
- dispute resolution.

### Spotlight experience

We support health and social care providers, digital health and life sciences companies, their investors and lenders, and property developers in the healthcare sector on all of their legal and regulatory requirements throughout the lifecycle of these businesses.

Providing advice on the production and sale of medical devices and related regulatory requirements for complex and innovative products.

## Telecommunications

We advise on telecommunications law, including but not limited to:

- contentious and non-contentious advice and support on commercial, regulatory, compliance, transactional and intellectual property matters concerning telecommunications.

### Spotlight experience

We advised Herefordshire Council and Gloucestershire County Council on the Borders Broadband Project which was one of four national pilot projects for the provision of regional superfast broadband under a BDUK sponsored PPP arrangement. Our work included:

- Drafting a collaborative partnership agreement between the authorities; Advising on procurement strategy, compliance.
- Drafting and negotiating a bespoke contract for the Project.
- Regulatory and State aid advice.

## Charities Law

We advise on all aspects of charity law, including but not limited to:

- the establishment and governance of Charitable trusts.

### Spotlight experience

We acted for a charity which ran a care home for the elderly. The charity wanted to extend the use of the buildings as a hospice and to provide help for people in the local community.

The charity's constitution did not provide for these changes and the normal process was time consuming and expensive. We therefore advised the charity on how to set up a Community Interest Company to deliver these objectives, whilst mitigating the tax impacts. The CIC model gave the charity its desired outcome with less risk, delay, and expense than through the traditional route.

## Health & Safety Law

We advise on all aspects of health and safety law including but not limited to:

- contentious and non-contentious health and safety matters, including:
  - regulatory and criminal investigations;
  - public inquests;
  - health and safety at work;
  - food safety; and
  - fire safety and associated issues.

### Spotlight experience

Our experience includes:

- Advising a large social housing charity in a prosecution by HSE following the death of a child using a disabled home lift.
- Carrying out health and safety and environmental due diligence for a waste and recycling company in the acquisition of recycling operator and for an NHS trust taking over the services of another provider.
- Securing the acquittal of a Company director charged following a fatal fall from height with gross negligence manslaughter following a crown court trial.
- Providing ongoing support, food safety and health and safety advice for a leading supplier of fresh food brands.

## Licensing Law

We advise on all aspects of licensing law, including but not limited to:

- licensing for sales of alcohol or regulated entertainment;
- taxi licensing;
- licences and permits for gambling; and
- licensing due diligence.

### Spotlight experience

The licence removed from a nightclub that had irresponsible 'special offers' on drinks and a history of drug dealing. A restaurant in a residential area had its opening hours restricted due to crime and anti-social behaviour linked to the premises.

Closure of a restaurant selling unsafe and mislabelled meat products.

Removal of a taxi driver's licence following allegations.

## Transport Law (excluding rail)

We advise on all aspects of transport law (excluding rail) including but not limited to:

- road based projects and infrastructure;
- logistics (contentious and non-contentious);
- haulage; and
- road regulatory matters.

### Spotlight experience

Our experience includes:

- Advising the Department for Transport on its development agreement with HS2 Limited as the delivery body for HS2.
- Advising the West Midlands Transport Executive on procurements.
- Successfully defending a transport and logistics company in a Traffic Commissioner public inquiry following alleged breaches of driver safety regulations, the working time directive, and maintenance requirements.

## Tax

We advise on all areas of tax law, including but not limited to:

- the application of direct and indirect taxation.

### Spotlight experience

Our experience includes:

- Acting for a local authority setting up a DevCo and advising on SDLT liability and structuring to claim group relief.
- Advising a local authority on the VAT implications of restructuring its £60 million facilities management contract
- Advising public sector bodies on the IR35 status tests, a risk assessment methodology for potential tax liabilities, and when/ how to conduct individual case assessments.

## Outsourcing/Insourcing

We advise on all aspects of outsourcing arrangements, including but not limited to:

- first and subsequent generation outsourcing and insourcing (including information technology outsourcing and business process outsourcing).

### Spotlight experience

Ashfords advised a London Borough Council on its procurement of hard and soft facilities management services via the Crown Commercial Services' Facilities Management Marketplace framework, which included:

- advising on the mechanics of the call-off process;
- amending the template contract documentation to meet the London Borough Council's bespoke requirements particularly in respect of its performance and payment mechanism; and
- advising on the procurement documentation including the evaluation methodology.

## Media Law

We advise on all aspects of media law including but not limited to:

- Broadcasting licences and other agreements;
- Defamation, libel and slander; and
- ASA compliance and related issues.

### Spotlight experience

Advising The Roald Dahl Story Company in connection with the exploitation and licensing to/merchandising by third parties of various copyright and other IP rights created by or relating to Roald Dahl. Includes drafting and negotiating various contracts.

Also assisting the Estate in preventing unlawful exploitation of those rights by taking enforcement action against infringers. Advising on TV production contracts, including for a household name business in connection with a BBC TV documentary series.

## Immigration

We advise on all aspects of immigration law.

### Spotlight experience

NHS Foundation Trust: Advising an NHS Foundation Trust with over 8,000 employees on all employment related immigration issues, including terminating the employment of workers who had lost their permission to work in the UK and liaising with UK Visas and Immigration on their behalf.

Advising a care home on recruiting workers from outside the EEA to fill a skills gap.

## Public Inquest & Inquiries

Public inquiries and inquests including but not limited to:

- providing legal advice, support and representations for high profile inquests. The team's experience includes dealing with jury inquests and cases where complex and sensitive issues have arisen, including whether there should be referrals back to CPS for reconsideration of manslaughter; and
- providing legal advice and support, for public inquiries (statutory and non-statutory) including: carrying out the role of solicitor under the Inquiries Act 2005 and the Inquiry Rules 2006 and providing legal advice and support to Inquiry Chairs, witnesses and core participants.

### Spotlight experience

Making submission on behalf of a leading UK charity on the issuing of Prevention of Future Deaths Report, receiving a positive outcome for the charity.

## Mental Health Law

We advise on all aspects of mental health law, including but not limited to:

- employment law;
- insurance law;
- housing law;
- education law;
- laws that provide a right to treatment;
- involuntary commitment and guardianship law;
- laws governing the treatment of professionals, including licensing law, confidentiality, informed consent and medical malpractice;
- law governing admission of expert testimony or other psychiatric evidence in court; and
- criminal law

### Spotlight experience

Advising a provider of community support services to Children & Young people on its obligations under the Mental Capacity Act 2005 and a care home on its contractual terms relevant to the Mental Capacity Act 2005.



## Court of Protection

All aspects of advice under the Mental Capacity Act 2005 and representation in the Court of Protection, including but not limited to:

- issues relating to capacity and best interests;
- the safeguarding responsibilities and Care Act 2014 duties of local authorities towards vulnerable adults;
- authorisation and challenges to deprivation of liberty under the Mental Capacity Act 2005;
- appointment and removal of deputies;
- disputes regarding registration and removal of powers of attorney;
- medical treatment decisions; and
- interplay between Mental Capacity Act and Mental Health Act.

### Spotlight experience

Ashfords assisted a vulnerable young man, via his independent advocate, in a complex discharge from hospital. This case in the High Court considered the interface between the Mental Capacity Act and the Mental Health Act. (case of Max Collins-Smith – 395964.2)

Ashfords acted for an incapacitated individual via her litigation friend the Official Solicitor in a transfer from one placemen to another. Ashfords were able to ensure a successful transition, without the need for restraint or sedation (case of Madeline Callaghan – 398984.1)

## Education Law

We advise on all aspects of education law, including but not limited to:

- school workforce;
- early years; higher and further education;
- pupil/student related litigation; admissions and exclusions;
- special educational needs; and equalities issues;
- governance and re-organisation issues;
- inspection and regulation;
- finance and funding issues; and student finance;
- education-focused charity; and
- contract and property law issues relevant to the educational sector.

### Spotlight experience

Advising on a wide range of HR and employment law issues, including the management of staff relations, and sensitive disciplinary issues.

Securing residency with the mother and a specific issue order allowing the child to move schools, after she initially faced a lengthy court battle without legal representation.

## Litigation & Dispute Resolution

We advise on all aspects of litigation and dispute resolution, including but not limited to:

- civil litigation against and on behalf of Buyers;
- alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes; and
- personal injury litigation, including public liability and employer's liability.

### Spotlight experience

We advised Devon County Council in respect of an £11.5m claim against design consultants and the contractor arising from the new build construction of a school which turned out to have major defects and which had to be demolished and rebuilt.

Our role involved advising the Council on strategy, pursuing the claim, including obtaining expert evidence, instructing Counsel, issuing High Court proceedings, electronic disclosure, preparing and exchanging witness statements, preparation for trial, and representing the Council at mediation. The case was successfully settled following mediation.

## Primary Care

We advise on all aspects of primary care, including but not limited to:

- advising on the commissioning and purchase of care (including prison health services), and the relationships between public sector authorities and primary care providers;
- advising on the structure of care arrangements (including for terminal and palliative care), along with the management of related disputes and compliance with relevant legislation;
- advice relating to care homes and the Care Standards Act 2000; and
- advising on the prevention and providing legal representation in relation to the detection and response to primary care fraud.

### Spotlight experience

Various GP surgeries: Acting for a number of southwest based GP surgeries in connection with the construction of new surgeries or extensions and ongoing lettings to complementary medical services and pharmacies.

Home care provider: Acting for the UK's leading home care provider in relation to the expansion of UK office network to over 80 units and ongoing property management

# Social Housing

We advise on all aspects of social housing law, including but not limited to:

- funding and finance;
- housing management;
- disputes; and
- planning and development.

## Spotlight experience

Advising on development and planning for the Duchy of Cornwall's 4,000 unit 540 acre site at Nansledan.

Advising a JV formed by a London Borough and an RP on a six year £130m regeneration scheme that developed 700 affordable homes, other mixed tenure houses and flats, and private sale homes.

Advising Wandsworth Borough Council on a £250 million mixed use development of a large retail site.

# Key contacts



**Kirsty Cooke**

Partner in the Employment team. Practice covers all aspects of employment law and HR, and advising on immigration related employment issues.



**Robin de Wreede**

Real Estate Partner specialising in work for the Public Sector.



**Rebecca Dury**

Rebecca acts for banks, lenders and borrowers on a range of financing transactions, including syndicated and bilateral financings, acquisition finance, property and development finance, general financings, restructurings and refinancings, asset finance and invoice discounting.



**Brian Farrell**

Brian has significant experience in advising clients on sub-contracts, service contracts, EPC contracts, joint venture arrangements, corporate governance and M&A arrangements. This experience includes both contentious and non-contentious matters.



**Sian Gibbon**

Partner and Head of Property Litigation. Sian has extensive experience dealing with a wide range of property disputes, acting for registered providers of social housing and the wider public sector clients including Regional Development Agencies, the Police and education establishments.



**Stephen Homer**

Stephen is Head of Adjudication and Arbitration Services in the Construction law team. He is an expert disputes lawyer, with a particular specialism in professional negligence disputes and adjudications.



**Ian Manners**

Partner in the Business Risk and Regulation team. Ian advises clients across the whole range of industry sectors including information law and regulatory compliance



**Mark Manning**

Partner in the Construction & Infrastructure team specialising in complex building and engineering contracts and ancillary contract documentation as well as construction and engineering disputes.



**Suzie Miles**

Partner in the Commercial team, Suzie specialises in IT and technology including software licensing, IT outsourcing, E-commerce and information security.



**Lara Moore**

Lara is a Partner in the Real Estate Team. Lara specialises in terrestrial planning, marine licensing and marine regulation and is nationally recognised for her expertise in Ports, Harbours and Coastal Development.

# Key contacts



**Kerry Morgan-Gould**

Partner advising on disputed trusts and wills.



**Andrew Perkins**

Partner and head of our Commercial Litigation team, within the Dispute Resolution department. Andrew advises and represents companies; shareholders (minority, majority and class); directors; private equity, VC and other funders; and trustees in shareholder litigation and disputes relating to commercial contracts.



**Jocelyn Ormond**

Partner in our Corporate team, Jocelyn advises private equity, venture capital and other funds and public and private companies on mergers and acquisitions, joint ventures, minority investments, equity fundraisings and other strategic corporate and commercial transactions.



**David Pomeroy**

Partner and Head of Restructuring & Insolvency, David advises on contentious and non-contentious corporate and personal insolvency. He is most frequently found working alongside Insolvency Practitioners or the management team of a struggling business.



**David Richardson**

Partner and Head of the Planning team who advises on all elements of planning law, whether contentious or non contentious matters.



**Carl Steele**

Carl is a Partner and Head of Intellectual Property. He is dual qualified, being both a Solicitor and a Chartered Trade Mark Attorney. Carl has nearly 25 years' experience of advising clients on intellectual property and related commercial law matters.



**John Toth**

Partner advising on the establishment and restructuring of charities, mutuals and CICs.



**Lucy Woods**

Partner who supports clients in procuring and negotiating contracts.



**Andrew Worley**

Andrew is a Partner in the Real Estate team. Andrew specialises in leases of retail property and purchasing property for personal pension schemes (SIPP/SSAS).



**Ruth Yates**

Senior Associate advising on all aspects of public sector contracts, from the outset of a procurement process, through to completion and dealing with post close contractual issues.

This document is intended to be for general information purposes only, may not cover every aspect of the topic with which it deals, and should not be relied on as legal advice or as an alternative to taking legal advice. English law is subject to change and the information shared may not reflect the latest legal developments. You should always seek appropriate legal advice before taking, or refraining from taking, any action based on the information contained in this document. Ashfords disclaims all liability for any loss, howsoever caused, arising directly or indirectly from reliance on the information contained within this document.

Ashfords LLP is a limited liability partnership, registered in England and Wales with number OC342432, and its registered office is at Ashford House, Grenadier Road, Exeter, EX1 3LH. Ashfords LLP is authorised and regulated by the Solicitors Regulation Authority.

[ashfords.co.uk/about-us](https://www.ashfords.co.uk/about-us)

#### **Exeter**

Ashford House,  
Grenadier Road,  
Exeter EX1 3LH  
T: +44 (0)1392 337000

#### **Bristol**

Tower Wharf,  
Cheese Lane,  
Bristol BS2 0JJ  
T: +44 (0)117 321 8000

#### **London**

1 New Fetter Lane  
London EC4A 1AN  
T: +44 (0)20 7544 2424

#### **Plymouth**

Princess Court,  
23 Princess Street,  
Plymouth PL1 2EX  
T: +44 (0)1752 526000

#### **Taunton**

Ashford Court,  
Blackbrook Park Avenue,  
Taunton TA1 2PX  
T: +44 (0)1823 232300